

ORDINANCE NO. 99 - 55

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR 99-82 RES 1 (BRUSCHI), MODIFYING PAGE 82 OF THE FLUA BY CHANGING A PARCEL OF LAND APPROXIMATELY 10 ACRES GENERALLY LOCATED ON THE NORTH SIDE OF HYPOLUXO ROAD, APPROXIMATELY 0.2 MILE WEST OF MILITARY TRAIL, FROM SPECIAL AGRICULTURE (SA), TO MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5); PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on June 11, 18 and 25, July 9, August 13, and November 19, 1999 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 28, August 17 and 24, 1999 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community

Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on November 16, 1999 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated November 12, 1999 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on December 13, 1999 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

The following amendment to the Land Use Element's Future Land Use Atlas is hereby adopted and is attached to this Ordinance:

A. Future Land Use Atlas page 82 is amended as follows:

Application No.: 99-82 RES 1 (Bruschi)

Amendment: From Special Agriculture (SA), to Medium Residential, 5 Units Per Acre (MR-5);

General Location: On the north side of Hypoluxo Road, approximately 0.2 mile west of Military Trail;

Size: Approximately 10 acres.

1 Part II. Repeal of Laws in Conflict

2 All local laws and ordinances applying to the unincorporated area
3 of Palm Beach County in conflict with any provision of this ordinance
4 are hereby repealed to the extent of such conflict.

5 Part III. Severability

6 If any section, paragraph, sentence, clause, phrase, or word of
7 this Ordinance is for any reason held by the Court to be
8 unconstitutional, inoperative or void, such holding shall not affect
9 the remainder of this Ordinance.

10 Part IV. Inclusion in the 1989 Comprehensive Plan

11 The provision of this Ordinance shall become and be made a part
12 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
13 Ordinance may be renumbered or relettered to accomplish such, and the
14 word "ordinance" may be changed to "section," "article," or any other
15 appropriate word.

16 Part V. Effective Date

17 The effective date of this plan amendment shall be the date a
18 final order is issued by the Department of Community Affairs or
19 Administration Commission finding the amendment in compliance in
20 accordance with Section 163.3184, Florida Statutes, whichever occurs
21 earlier. No development orders, development permits, or land uses
22 dependent on this amendment may be issued or commence before it has
23 become effective. If a final order of noncompliance is issued by the
24 Administration Commission, this amendment may nevertheless be made
25 effective by adoption of a resolution affirming its effective status,
26 a copy of which resolutions shall be sent to the Department of
27 Community Affairs, Bureau of Local Planning, 2740 Centerview Drive,

1 Tallahassee, Florida 32399-2100.

2 APPROVED AND ADOPTED by the Board of County Commissioners of Palm
3 Beach County, on the 13 day of December, 1999.

4 ATTEST:
5 DOROTHY H. WILKEN, Clerk

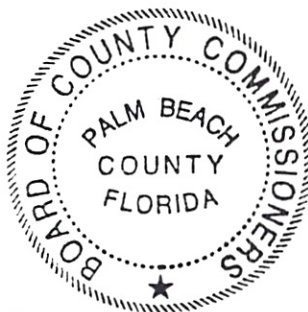
PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

6 By: *Joan Sawyer*
7 Deputy Clerk

By *Maudie Ford Lee*
Chair

8 APPROVED AS TO FORM AND
9 LEGAL SUFFICIENCY

10 *A. J. P. R. S.*
11 COUNTY ATTORNEY



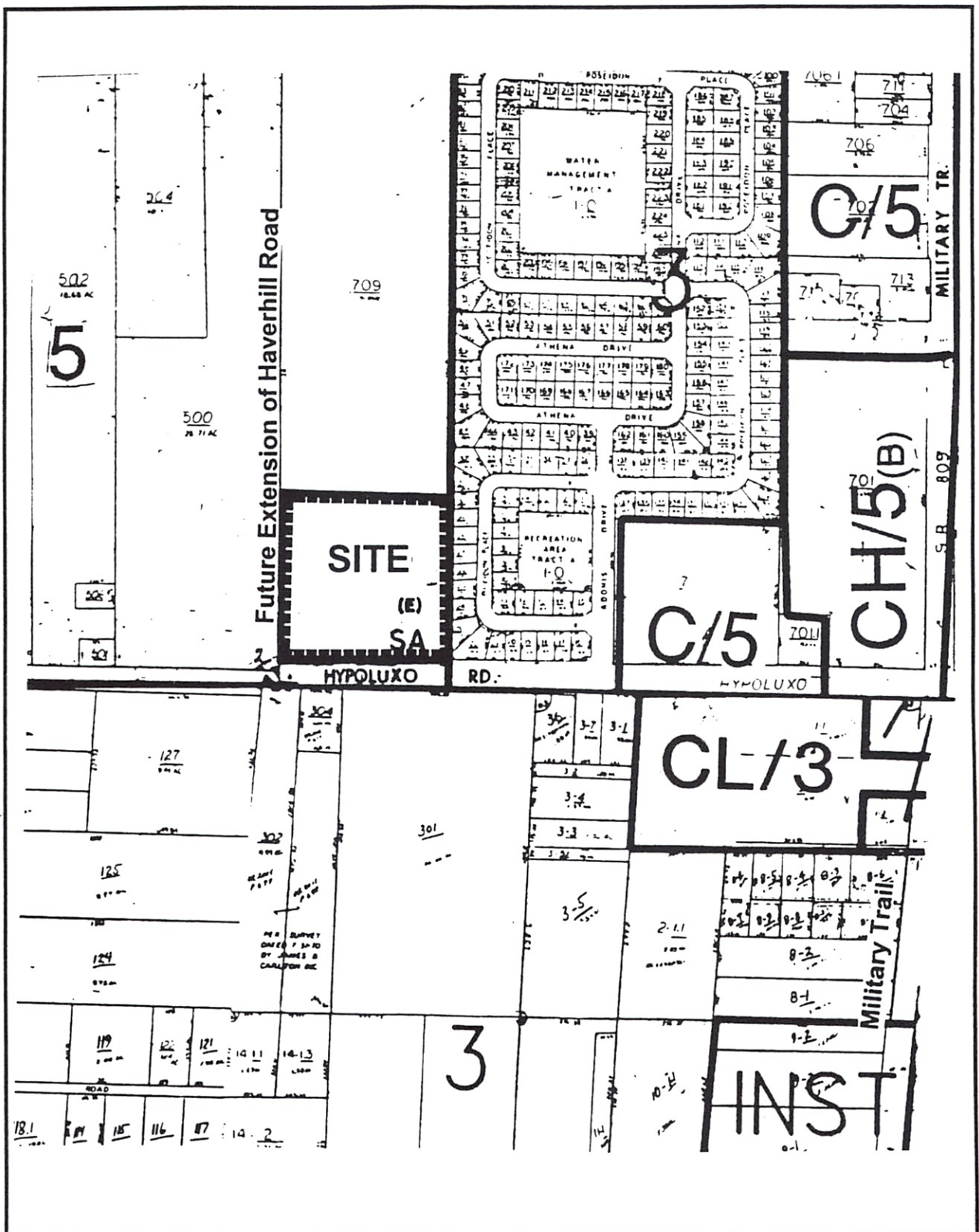
12 Filed with the Department of State on the 23rd day
13 of December, 1999.

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EXHIBIT 1

Future Land Use Atlas page 82 is amended as follows:

Amendment No.: 99-82 RES 1 (Bruschi)
Amendment: From Special Agriculture (SA) to Medium Residential, 5 units per acre (MR-5).
Location: On the north side of Hypoluxo Road, approximately 0.2 mile west of Military Trail.
Size: Approximately 10 acres
Property No.: 00-42-45-01-00-000-7090 (a 10 acre portion of a 38.93 acre parcel)
Legal Description: See attached
Condition: None



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LEGAL DESCRIPTION:

THE SOUTH 10.00 ACRES OF THE FOLLOWING DESCRIBED PROPERTY LYING NORTH OF THE NORTH RIGHT OF WAY LINE FOR HYPOLUXO ROAD. (SOUTH 110.00 FEET)

THE WEST HALF, OF THE SOUTHWEST QUARTER, OF THE SOUTHWEST QUARTER: OF THE SOUTH 1303 FEET OF THE WEST QUARTER OF THE NORTHWEST QUARTER, OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 45 SOUTH RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 10.00 ACRES MORE OR LESS, AND SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 13, 1999.
DATED at West Palm Beach, FL on 1/4/00.
DOROTHY H. WILKEN, Clerk
By: H. Diane Brown D.C.